IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION No: 3848 of 2005

Between:

G.V. Muralidhar, S/o.Meeraiah,
M.P. Primary School, Marritippa village, Moglaturu Mandal,
West Godavari District.

..... PETITIONER

AND

1 The Commissioner, Panchayat Raj & Rural Employment, Government of A.P., Hyderabad.
2 The Chief Executive Officer, Zilla Parishad, Eluru,
West Godavari District.
3 The District Educational Officer, Eluru, West Godavari District.
4 The Mandal Educational Officer, MP, Mogalturu Mandal, West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue order or orders, direction or directions, writ or writs, particularly one in the nature of "writ of Mandamus' by declaring the action of the respondents in keeping the petitioner under suspension for more than 3 ½ years without reviewing or revoking the suspension order as per the C.C.A. Rules and direction of the Hon'ble Tribunal in O.A.No.8393/2001, dated 3-9-2002, is illegal, arbitrary, violative of Article 311 of the Constitution of India and against to the Govt. Memo.No.110169/Ser.C/2003, dated 11-09-2003 and consequently set aside the orders of the 3rd respondent vide Rc.No.49-ZI/A3, 2001, dated 13-11-2001.

Counsel for the Petitioner: MR.K.L.N.SWAMY

Counsel for the Respondent Nos.1,3 & 4: GP FOR SERVICES-II.

Counsel for the Respondent No.2: MR.D.SRINIVAS

The Court made the following:

ORAL ORDER:- **(PER GB,J.)**

The Writ Petition is filed assailing the order of suspension issued by the 3rd respondent vide RC.No.49-ZI/A3, dated 13.11.2001.

2. The petitioner was an applicant before the Tribunal. Earlier he filed O.A.No.8393 of 2001, challenging the order of suspension, dated 13.11.2001, passed by the 3rd respondent. The Tribunal after considering the matter, disposed of the O.A., directing the petitioner to make a representation to the concerned authorities within 15 days from the date of receipt of the order and the concerned authorities were directed to review the case of the petitioner within six weeks from the date of such representation. As per the orders of the Tribunal, the petitioner made representation to the 3rd respondent, but however, no review has been taken place. Aggrieved by the inaction of the respondents, the petitioner again filed O.A.SR.No.14029 of 2004, challenging the order of suspension, but the same was returned with an objection as to the maintainability of the O.A. at that point of time, against which the present Writ Petition has been filed challenging the order of suspension.

3. We are afraid we cannot admit the Writ Petition.

4. The Writ petitioner has to exhaust the remedy before the Tribunal. He ought to have approached the Tribunal assailing the inaction on the part of the respondents in reviewing the order, but he cannot approach this Court challenging the order of suspension.

5. Under those circumstances, we do not find any merit in the Writ Petition and the same is liable to be dismissed as not maintainable.

6. Accordingly, the Writ Petition is dismissed as not maintainable. No costs.

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G. BIKSHAPATHY, J

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P.S. NARAYANA, J

Date: 10.03.2005

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To

1 The Commissioner, Panchayat Raj & Rural Employment, Government of A.P., Hyderabad.
2 The Chief Executive Officer, Zilla Parishad, Eluru,
West Godavari District.
3 The District Educational Officer, Eluru, West Godavari District.
4 The Mandal Educational Officer, MP, Mogalturu Mandal, West Godavari District.

5 The Registrar, A.P. Administrative Tribunal, Hyderabad.

6 2 CCs to the G.P. for Services-II, High Court of A.P., Hyderabad (OUT).

7 2 CD copies.